REMARKS

This communication is in response to the Office Action mailed March 13, 2007.

The Office Action first reports that claim 27 depends from cancelled claim 26. The dependency of claim 27 has been corrected. Withdrawal of the objection is respectfully requested.

The Office Action next reports that claims 1-9, 11-23, 25 and 27-34 were rejected has been directed to non-statutory subject matter. In particular, some of these claims were rejected for reciting "a computer-readable medium". In response, applicants have amended these claims to recite "computer readable storage media". Support for this language is found on page 12 - 13.

With respect to claims 29-34, the Office Action reports that the computer implemented method recited therein does not produce a useful, tangible and concrete result in a practical application.

Without conceding that claims 29-34 are non-statutory, applicants have amended claim 29 to clarify that client side markup is received by the client, which is then executed to create a dialog between the user and the client device. In view that claim 29 also recites that client side markup is dynamically generated on a server remote from the client, it is believed claim 29 and each dependent claims therefrom sets forth a practical application of the invention and provides a useful, concrete, and tangible result, namely, a computer implemented method through which a user can interact with a client computing device.

For the foregoing reasons, applicants respectfully request withdrawal of the rejection based on 35 U.S.C. 101 is requested.

The Office Action next reports that claims 1, 15 and 29 are continued to be rejected under 35 U.S.C. 103(a) as being unpatentable over Albayrak et al. in view of White et al. In particular Albayrak et al. are cited for disclosing the inventions

recited in claims 1, 15 and 29 except for the features "each of the controls having an attribute to indicate whether the associated control is available for activation" and "as a function of which controls are activated." White et al were cited as evidence that these features were well known. Each of the specific

With respect to Albayrak et al., each of the specific citations will be discussed. First, it is again reported that cites col. 3, lines 51-55 as disclosing "a set of controls for use on a server remote from the client for defining a dialog and used to dynamically generate client side markup in accordance with the dialog." Col. 3, lines 51-55 state:

> The present invention utilizes standard Internet protocols to communicate between client and server computers, to dynamically program portable client computers, and to manage voice dialogs for the purpose of interacting with and guiding users in various work tasks.

Although Albayrak et al. discuss managing voice dialog at col. 3, lines 51-55, they do not teach or suggest "a set of controls configured for use on a server remote from the client for defining a dialog and used to dynamically generate client side markup". The cited passage does not state that there is a "set of controls". Moreover, where is it stated that the controls are specifically enumerated as an answer control and question control as recited in each of the independent claims and where the controls .

It is acknowledged that the Office Action also cites Col. 4, lines 24-28 possibly as support for the concept of a set of controls. Col. 4, lines 24-28 state:

> VoiceXML was designed by the VoiceXML Forum to create audio dialogs that feature digitized audio and speech recognition and to facilitate web-based development and content delivery. The voice browser reads a VoiceXML page from top to bottom and acts upon the information and instructions it reads as it reads them.

This passage refers specifically to a "voice browser", which is a well-known module that operates on client devices. The Office Action has relied principally on the word "instructions"; however, it is submitted that this passage is referring to client side markup (i.e., the instructions voice browsers on client device operate). This passage simply does not support a set of controls operable on the server.

The Office Action next cites Col. 8, lines 1-67. The citations specifically made in the Office Action are to Col. 8 1-14, which state:

> VoiceXML pages 250, some of which are pre-composed and others of which are generated by the SHIM 242 from one of a set of VoiceXML templates 252 and parameters received from the application 246;
>
> VoiceXML templates 252, each of which is a document written in the VoiceXML language that describes an application-specific verbal dialog between the portable client and its user; and
>
> system configuration data 260, including: user identification data 262 associated with the users of the portable clients; client configuration data 264 concerning the location, the battery state, the VoiceXML page currently loaded in the client, and so on; …

Again, it is submitted that the cited passages do not teach a set of controls operable on the server. At best, maybe the VoiceXML templates 252 could be the closest. However, at Col. 9 lines 12-53, describe the templates 252 in more detail, but these templates are not "a set of controls configured for use on a server remote from the client for defining a dialog and used to dynamically generate client side markup". Moreover, where is it stated that the templates have an answer control and question control that each have an attribute to indicate whether the associated control is available for activation as recited in each of the independent claims.

The feature of the controls having an attribute for

activation is not addressed in the Office Action. On page 6 of the Office Action, citations are made to Col. 4, lines 22-67, Figure 2 and Col. 6, lines 25-31. Col. 4, lines 22-67 state:

> The particular type of hypertext used in the preferred embodiment is based on VoiceXML. VoiceXML was designed by the VoiceXML Forum to create audio dialogs that feature digitized audio and speech recognition and to facilitate web-based development and content delivery. The voice browser reads a VoiceXML page from top to bottom and acts upon the information and instructions it reads as it reads them.
>
> In a typical application the preferred embodiment works in the following manner:
>
> Upon being powered up, the voice browser on the wearable portable client launches a default startup program on the server, by requesting a URL associated with that startup program.
>
> The startup program (executed by the server) determines, from a database, information about the particular client, and sends a voice sign-on VoiceXML page to the voice browser thereby programming the client to perform the voice sign-on function.
>
> The voice sign-on page prompts the user to say his or her name. If the name is recognized by the speech recognition software on the client, the user's voice files and application-specific grammar files (both needed for speech recognition) are loaded onto the client; otherwise this is a new user who must train the speech recognition software to understand his voice. The following assumes that the user's name is recognized.
>
> When the voice browser reaches the end of the voice sign-on page it waits for the next program or page from the server, and in this case, a system host interface module is launched.
>
> The system host interface module connects to the third-party software and waits to receive the task-specific data. Upon receiving the data, the system host interface module translates the data into a VoiceXML

> page and sends it to the voice browser thereby programming the client to perform the application.
>
> The voice browser interprets the page and follows each instruction, for example, a) play an audio prompt telling the user to go to a particular location, b) wait for the user to verbally state his location, c) confirm that the user is in the correct location, d) play an audio prompt telling the user what to do at the current location, e) wait for the user to confirm that he completed the requested action, f) play another audio prompt if there is one, and continue.

This description pertains to how the voice browser interprets the client side markup, but not how the client side markup is dynamically generated at the server using the controls specified in the independent claims having attributes for activation.

Col. 6, lines 25-31 state:

> A grammar is a set of statements that specify words and sentence syntax. For example, a grammar might specify that a user is expected to speak a particular number of digits, an affirmative or negative response including "yes," "no" and variants such as "yep" and "OK," or one of a predefined list of locations, perhaps with surrounding words.

This description merely describes how speech recognition works, but it does not teach or suggest using the controls specified in the independent claims having attributes for activation.

The Office Action then continues with citations to other portions of Albayrak et al. for other elements of the independent claims; however, it is respectfully submitted that since Albayrak et al. does not teach the features of the independent claims as discussed above (having made the citations clearly of record and in context as described by Albayrak et al.), the rejection must be withdrawn.

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may

employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences, which applicant's attorney chooses to mention at this time. For the foregoing reasons, applicant reserves the right to submit additional evidence showing the distinction between applicant's invention to be unobvious in view of the prior art.

Furthermore, in commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

For the foregoing reasons, Applicant submits that the present application is in allowable form. Allowance of the present application is respectfully requested.

Applicant hereby requests an extension of time to respond to the Office Action. A charge authorization for the extension of time fee is included herewith.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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